

Panaji, 9th October, 1997 (Asvina 17, 1919)

SERIES I No. 28



# OFFICIAL GAZETTE

## GOVERNMENT OF GOA

**NOTE:-**

- 1) There is one Supplement to the Official Gazette Series I No. 27 dated 3-10-97, namely Supplement dated 3-10-97 from pages 461 to 520 regarding Notification from Department of Law and Judiciary (Legal Affairs Division).
- 2) In the NOTE Nos. 2) and 3) to Series I No. 27 dated 3-10-97 the pages Nos. may be corrected as "437 to 442" and "443 to 446" respectively instead of "437 to 440" and "441 to 444. Consequently page Nos. of the same Gazette, No. 27 may be read as "447 to 460".

### GOVERNMENT OF GOA

#### Department of Inland Waterways

#### Office of Captain of Ports

#### Notification

7/18/90-IWT

In exercise of the powers conferred by section 11 of the Goa Ferries Act, 1990 (Goa Act 9 of 1990), the Government of Goa hereby makes the following rules, so as to further amend the Goa Ferries (Regulation of issue of seasonal passes, concession and procedure etc. for the use of public ferries vessels) Rules, 1997, namely:-

1. *Short title and commencement.*— (1) These rules may be called the Goa Ferries (Regulation of issue of seasonal passes, concession and procedure etc. for the use of public ferries/vessels) Rules, 1997.

(2) They shall come into force at once.

2. *Amendment of rule 4.*— In rule 4 of the Goa Ferries (Regulation of issue of seasonal passes, concession and procedure etc. for the use of public ferries/vessels) Rules, 1997 for sub-rule (3), the following shall be substituted namely:—

“(3) Concession of the fare shall be given to the bonafide students studying in this State, as per rates of toll revised from time to time.”

By order and in the name of the Governor of Goa.

Capt. A. P. Mascarenhas, Ex-Officio Jt. Secretary (Captain of Ports).

Panaji, 29th August, 1997.

Department of Law & Judiciary  
Legal Affairs Division

#### Notification

10-5-96/LA-Vol. I

The Telecom Regulatory Authority of India (Second) Ordinance, 1996 (Ordinance No. 20 of 1996) which has been promulgated by the President of India and published in the Gazette of India, Extraordinary, Part II, Section I, dated 27th March, 1996 is hereby published for the general information of the public.

P. V. Kadneker, Joint Secretary (Law).

Panaji, 20th May, 1996.

### MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

#### (Legislative Department)

New Delhi, the 27th March, 1996/Chaitra 7, 1918  
(Saka)

The Telecom Regulatory Authority of India  
(Second) Ordinance, 1996  
No. 20 of 1996

Promulgated by the President in the Forty-seventh Year of the Republic of India.

An Ordinance to provide for the establishment of the Telecom Regulatory Authority of India to regulate the telecommunication services, and for matters connected therewith or incidental thereto.

Whereas the Telecom Regulatory Authority of India Ordinance, 1996 to provide for the aforesaid matters was promulgated by the President on the 27th day of January, 1996;

And Whereas the Telecom Regulatory Authority of India Bill, 1996 was introduced in the House of the People to replace the said Ordinance but has not been passed;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*— (1) This Ordinance may be called the Telecom Regulatory Authority of India (Second) Ordinance, 1996.

(2) It extends to the whole of India.

(3) It shall be deemed to have come into force on the 27th day of January, 1996.

2. *Definitions.*— (1) In this Ordinance, unless the context otherwise requires,—

(a) “appointed day” means the day with effect from which the Authority is established under sub-section (1) of section 3;

(b) “Authority” means the Telecom Regulatory Authority of India established under sub-section (1) of section 3;

(c) “Chairperson” means the Chairperson of the Authority appointed under sub-section (3) of section 3;

(d) “Fund” means the Fund constituted under sub-section (1) of section 22;

(e) “member” means a member of the Authority appointed under sub-section (3) of section 3 and includes the Chairperson and the Vice-Chairperson;

(f) “notification” means a notification published in the Official Gazette;

(g) “prescribed” means prescribed by rules made under this Ordinance;

(h) “regulations” means regulations made by the Authority under this Ordinance;

(i) “telecommunication service” means service of any description (including electronic mail, voice mail, data services, audio tax services, video tax services, radio paging and cellular mobile telephone services) which is made available to users by means of any transmission or reception of signs, signals, writing, images and sounds or intelligence of any nature, by wire, radio, visual or other electro-magnetic means.

(2) Words and expressions used and not defined in this Ordinance but defined in the Indian Telegraph Act, 1885 or the Indian Wireless Telegraphy Act, 1933, shall have the meanings respectively assigned to them in those Acts.

13 of 1885.  
17 of 1933.

(3) Any reference in this Ordinance to a law which is not in force in the State of Jammu and Kashmir shall in relation to that State be construed as a reference to the corresponding law, if any, in that State.

CHAPTER II

Telecom Regulatory Authority of India

3. *Establishment and incorporation of Authority.*— (1) With effect from such date as the Central Government may, by

notification, appoint, there shall be established, for the purposes of this Ordinance, an Authority to be called the Telecom Regulatory Authority of India.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued.

(3) The Authority shall consist of a Chairperson, and not less than two, but not exceeding four members, to be appointed by the Central Government.

(4) The head office of the Authority shall be at New Delhi.

4. *Qualifications for appointment of Chairperson and other members.*— (1) The Chairperson shall be a person who is or has been a Judge of the Supreme Court or who is or has been the Chief Justice of a High Court.

(2) A member shall be a person who has held the post of Secretary or Additional Secretary, or the posts of Additional Secretary and Secretary to the Government of India or any equivalent post in the Central Government or the State Government for a period of three years.

5. *Term of office, conditions of service, etc., of Chairperson and other members.*— (1) Before appointing any person as the Chairperson or member, the Central Government shall satisfy itself that the person does not have any such financial or other interest as is likely to affect prejudicially his functions as such member.

(2) The Chairperson shall hold office for a term of five years from the date on which he enters upon his office.

(3) A member shall hold office for a term of five years from the date on which he enters upon his office or until he attains the age of sixty-two years, whichever is earlier.

(4) The employee of the Government on his selection as member shall have to retire from service before joining as member.

(5) The salary, allowances and other conditions of service of the Chairperson shall be,—

(a) if he has been a Judge of the Supreme Court, the same as that of a Judge of the Supreme Court;

(b) if has been the Chief Justice of a High Court, the same as that of the Chief Justice of the High Court:

Provided that in the case of an appointment of a person as a Chairperson who has retired as a Judge of the Supreme Court or a Chief Justice of a High Court and who is in receipt of or has received or has become entitled to receive any retirement benefits by way of pension, gratuity or other forms of retirement benefits, the pay of such person shall be reduced by the gross amount of pension and pension equivalent of gratuity or any other form of retirement benefits, if any, drawn or to be drawn by him.

(6) The salary and allowances payable and other conditions of service of the members shall be such as may be prescribed.

(7) The salary, allowances and other conditions of service of the Chairperson or of the member shall not be varied to his disadvantage after appointment.

(8) Notwithstanding anything contained in sub-section (2) or sub-section (3), a member may—

(a) relinquish his office by giving in writing to the Central Government notice of not less than three months; or

(b) be removed from his office in accordance with the provisions of section 7.

(9) The Chairperson or any other member ceasing to hold office as such, shall—

(a) be ineligible for further employment either under the Government of India or under the State Government; or

(b) not hold any appointment in any private company in telecom sector in relation to which any matter has been the subject-matter of consideration before the Authority.

6. *Powers of Chairperson and Vice-Chairperson.*—(1) The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority and shall discharge such other powers and functions as may be prescribed.

(2) The Central Government may appoint one of the members to be a Vice-Chairperson of the Authority who shall exercise and discharge such powers and functions of the Chairperson as may be prescribed or as may be delegated to him by the Authority.

7. *Removal of members from office in certain circumstances.*—(1) The Central Government may remove from office any member, who—

(a) has been adjudged as insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) has become physically or mentally incapable of acting as a member; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuance in office prejudicial to the public interest.

(2) Notwithstanding anything contained in sub-section (1), no member shall be removed from his office on the ground specified in clause (d) of clause (e) of that sub-section unless the Supreme Court on a reference being made to it in this behalf by the Central Government, has, on an inquiry, held by it in accordance with such procedure as it may specify in this behalf, reported that the member ought, on such ground or grounds, to be removed.

8. *Meetings.*—(1) The Authority shall meet at such times and places, and shall observe such rules of procedure in regard to the transaction of business at its meetings (including quorum at such meetings) as may be provided by regulations.

(2) The Chairperson or, if for any reason, he is unable to attend a meeting of the Authority, the Vice-Chairperson and in his absence, any other member chosen by the members present from amongst themselves at the meeting shall preside at the meeting.

(3) All questions which come up before any meeting of the Authority shall be decided by a majority vote of the members present and voting, and in the event of an equality of votes, the Chairperson or in his absence, the person presiding, shall have a second or casting vote.

(4) The Authority may make regulations for the transaction of business at its meetings.

9. *Vacancies, etc., not to invalidate proceedings of Authority.*—No act or proceeding of the Authority shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Authority; or

(b) any defect in the appointment of a person acting as a member of the Authority; or

(c) any irregularity in the procedure of the Authority not affecting the merits of the case.

10. *Officers and other employees of Authority.*—(1) The Authority may appoint officers and such other employees as it considers necessary for the efficient discharge of its functions under this Ordinance.

(2) The salary and allowances payable to and the other conditions of service of the officers and other employees of the Authority appointed under sub-section (1) shall be such as may be determined by regulations.

### CHAPTER III

#### Powers and Functions of the Authority

11. *Functions of Authority.*—(1) Notwithstanding anything contained in the Indian Telegraph Act, 1885, the functions of the Authority shall be to—

(a) ensure technical compatibility and effective inter-relationship between different service providers;

(b) regulate arrangement amongst service providers of sharing their revenue derived from providing telecommunication services;

(c) ensure compliance of licence conditions by all service providers;

- (d) lay down and ensure the time period for providing local and long distance circuits of telecommunication between different service providers;
- (e) facilitate competition and promote efficiency in the operation of telecommunication services so as to facilitate growth in such services;
- (f) protect the interest of the consumers of telecommunication service;
- (g) settle disputes between service providers;
- (h) render advice to the Central Government in the matters relating to the development of telecommunication technology and any other matter relatable to telecommunication industry in general;
- (i) levy fees at such rates and in respect of such services as may be determined by regulations;
- (j) ensure effective compliance of universal service obligations;
- (k) perform such other functions including such administrative and financial functions as may be entrusted to it by the Government or as may be necessary to carry out the provisions of this Ordinance.

(2) Notwithstanding anything contained in the Indian Telegraph Act, 1885, the Authority may, from time to time, by order, notify the rates at which the telecommunication services within India and outside India shall be provided under this Ordinance including the rates at which messages shall be transmitted to any country outside India.

(3) While discharging its functions under sub-section (1), the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

(4) The Authority shall ensure transparency while exercising its powers and discharging its functions.

12. *Power of Authority to call for information, conduct investigations, etc.*—(1) Where the Authority considers it expedient so to do, it may, by order in writing,—

- (a) call upon any service provider at any time to furnish in writing such information or explanation relating to its affairs as the Authority may require; or
- (b) appoint one or more persons to make an inquiry in relation to the affairs of any service provider; and
- (c) direct any of its officers or employees to inspect the books of account or other documents of any service provider.

(2) Where any inquiry in relation to the affairs of a service provider has been undertaken under sub-section (1),—

- (a) every director, manager, secretary or officer, if such service provider is a company; or

(b) every partner, manager, secretary or other officer, if such service provider is a firm; or

(c) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in clauses (a) and (b).

shall be bound to produce before the Authority making the inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject-matter of such inquiry and also to furnish to the Authority with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified.

(3) Every service provider shall maintain such books of account or other documents as may be prescribed.

(4) The Authority shall have the power to issue such directions to service providers as it may consider necessary, for proper functioning by service providers.

13. *Power of authority to issue directions.*—The Authority may, for the discharge of its functions under sub-section (1) of section 11, issue such directions from time to time to the service providers, as it may consider necessary.

#### CHAPTER IV

##### Settlement of Disputes

14. *Authority to settle disputes.*—(1) If a dispute arises, in respect of matters referred to in sub-section (2), among service providers or between service providers and a group of consumers, such disputes shall be adjudicated by a bench constituted by the Chairperson and such bench shall consist of two members:

Provided that if the members of the bench differ on any point or points they shall state the point or points on which they differ and refer the same to a third member for hearing on such point or points and such point or points shall be decided according to the opinion of that member.

(2) The bench constituted under sub-section (1) shall exercise, on and from the appointed day all such jurisdiction, powers and authority as were exercisable immediately before that day by any civil court on any matter relating to—

- (i) technical compatibility and inter-connections between service providers; or
- (ii) revenue sharing arrangements between different service providers; or
- (iii) quality of telecommunication service and interest of consumers:

Provided that nothing in this sub-section shall apply in respect of matters relating to—

- (a) the monopolistic trade practice, restrictive trade practice and unfair trade practices which are subject to the jurisdiction of the

Monopolies and Restrictive Trade Practices Commission established under sub-section (1) of section 5 of the Monopolies and Restrictive Trade Practices Act, 1969;

54 of 1969.

(b) the complaint of an individual consumer maintainable before a Consumer Disputes Redressal Forum or a Consumer Disputes Redressal Commission or a National Consumer Redressal Commission established under section 9 of the Consumer Protection Act, 1986;

68 of 1986.

(c) dispute between telegraph authority and any other person referred to in sub-section (1) of section 7B of the Indian Telegraph Act, 1885.

13 of 1885.

15. *Filing of application to Authority and procedure for passing order by it.*— (1) An aggrieved person may make an application in respect of matters referred to in sub-section (2) of section 14 within such period as may be prescribed.

*Explanation.*— For the purposes of this sub-section, the expression "aggrieved person" means—

(i) any service provider who has a dispute in respect of matters referred to in clauses (i) and (ii) of sub-section (2) of section 14;

(ii) where any loss or damage is caused to a group of consumers, any member representing such group of consumers.

(2) On receipt of an application made under sub-section (1), the Authority may, after giving the parties an opportunity of being heard, pass such orders as it thinks fit.

(3) While arriving at a decision, the Authority shall record in writing the reasons for such decision.

(4) Every decision of the Authority shall be published in the annual report of the Authority.

(5) The orders and directions of the Authority shall be binding on the service providers, Government and all other persons concerned.

16. *Procedure and powers of Authority.*— (1) The Authority shall be guided by the principles of natural justice.

(2) The Authority shall have, for the purpose of discharging their functions under this Chapter, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 in respect of the following matters, namely:—

5 of 1908.

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) issuing commissions for the examination of witnesses or documents;

(e) reviewing its decisions;

(f) dismissing an application for default or deciding it *ex parte*;

(g) setting aside any order of dismissal of any application for default or any order passed by it *ex parte*;

(h) any other matter which may be prescribed.

(3) Every proceeding before the Authority shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for, the purpose of section 196 of the Indian Penal Code and the Authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.

45 of 1960.

2 of 1974.

17. *Right to legal representation.*— The applicant may either appear in person or authorise one or more legal practitioners or any of its officers to present his or its case before the Authority.

18. *Appeal to High Court.*— Any person aggrieved by any decision or order of the Authority may file an appeal to the High Court within thirty days from the date of communication of the decision or order of the Authority to him:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days.

19. *Orders passed by Authority or High Court to be executable as a decree.*— Every order made by the Authority under this Ordinance or the order made by the High Court in any appeal against any order of the Authority shall, on a certificate issued by any officer of the Authority or the Registrar of the High Court, as the case may be, be deemed to be a decree of the civil court and shall be executable in the same manner as a decree of that court.

20. *Penalty for wilful failure to comply with orders of Authority or of High Court.*— If any person wilfully fails to comply with the orders of the Authority or any order of the High Court, as the case may be, he shall be punishable with imprisonment for a term which may extend to two years, or fine, or with both.

## CHAPTER V

### Finance, Accounts and Audit

21. *Grants by the Central Government.*— The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Authority grants of such sums of money as that Government may think fit for being utilised for the purposes of this Ordinance.

22. *Fund.*— (1) There shall be constituted a fund to be called the Telecom Regulatory Authority of India General Fund and there shall be credited thereto—

(a) all grants, fees and charges received by the Authority under this Ordinance; and

(b) all sums received by the Authority from such other sources as may be decided upon by the Central Government.

(2) The Fund shall be applied for meeting—

(a) the salaries, allowances and other remuneration of the members, officers and other employees of the Authority;

(b) the expenses of the Authority in the discharge of its functions under this Ordinance; and

(c) the expenses on objects and for purposes authorised by this Ordinance.

23. *Accounts and audit.*—(1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any other person appointed by him in connection with the audit of the accounts of the Authority shall have the same rights and privileges and authority in connection with such audit as the Comptroller and Auditor-General generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government shall cause the same to be laid before each House of Parliament.

24. *Furnishing of returns, etc., to Central Government.*—(1) The Authority shall furnish to the Central Government at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any proposed or existing programme for the promotion and development of the telecommunication services, as the Central Government may, from time to time, require.

(2) The Authority shall prepare once every year in such form and at such time as may be prescribed, an annual report giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.

(3) A copy of the report received under sub-section (2) shall be laid, as soon as may be after it is received, before each House of Parliament.

## CHAPTER VI

### Miscellaneous

25. *Power of Central Government to issue directions.*—(1) The Central Government may, from time to time, issue to the Authority such directions as it may think necessary in the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.

(2) Without prejudice to the foregoing provisions, the Authority shall, in exercise of its powers or the performance of its functions, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time:

Provided that the Authority shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

(3) The decision of the Central Government whether a question is one of policy or not shall be final.

26. *Members, officers and employees of Authority to be public servants.*—All members, officers and other employees of the Authority shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Ordinance to be public servants within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

27. *Bar of jurisdiction.*—No civil court shall have jurisdiction in respect of any matter which the Authority is empowered by or under this Ordinance to determine.

28. *Protection of action taken in good faith.*—No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any officer of Central Government or any member, officer or other employees of the Authority for anything which is in good faith done or intended to be done under this Ordinance or the rules or regulations made thereunder.

29. *Penalty for contravention of directions of Authority.*—If any person violates directions of the Authority such person shall be punished in the case of first offence with imprisonment for a term which may extend to two years or with fine which may extend to one lakh rupees or with both and in case of a second or subsequent offence, with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees for each day of default.

30. *Offences by companies.*—(1) Where an offence under this Ordinance has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Ordinance, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Ordinance has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

31. *Exemption from tax on wealth and income.*— Notwithstanding anything contained in the Wealth-tax Act, 1957, the Income-tax Act, 1961, or any other enactment for the time being in force relating to tax on wealth, income, profits or gains, the Authority shall not be liable to pay wealth-tax, income-tax or any other tax in respect of their wealth, income, profits or gains derived.

32. *Delegation.*— The Authority may, by general or special order in writing, delegate to any member, officer of the Authority or any other person subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Ordinance (except the power to settle dispute under Chapter IV and to make regulation under section 35) as it may deem necessary.

33. *Cognizance of offences.*— (1) No court shall take cognizance of any offence punishable under this Ordinance or the rules or regulations made thereunder, save on a complaint made by the Authority.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Ordinance.

34. *Power to make rules.*— (1) The Central Government may, by notification, make rules for carrying out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the salary and allowances payable to and the other conditions of service of the members under sub-section (6) of section 5;

(b) the powers and functions of the Chairperson under sub-section (1) of section 6;

27 of 1955.  
43 of 1961.

(c) the category of books of account or other documents which are required to be maintained under sub-section (3) of section 12;

(d) the period within which an application is to be made under sub-section (1) of section 15;

(e) the manner in which the accounts of the Authority shall be maintained under sub-section (1) of section 23;

(f) the time within which and the form and manner in which returns and report are to be made to the Central Government under sub-sections (1) and (2) of section 24;

(g) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made, by rules.

35. *Power to make regulations.*— (1) The Authority may, with the previous approval of the Central Government, by notification, make regulations consistent with this Ordinance and the rules made thereunder to carry out the purposes of this Ordinance.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the times and places of meetings of the Authority and the procedure to be followed at such meetings under sub-section (1) of section 8, including quorum necessary for the transaction of business;

(b) the transaction of business at the meetings of the Authority under sub-section (4) of section 8;

(c) the salaries and allowances payable to and the other terms and conditions of service of officers and other employees of the Authority under sub-section (2) of section 10;

(d) levy of fees under clause (i) of sub-section (1) of section 11.

36. *Rules and regulations to be laid before Parliament.*— Every rule and every regulation made under this Ordinance shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

37. *Application of certain laws.*— The provisions of this Ordinance shall be in addition to the provisions of the Indian Telegraph Act, 1885 and the Wireless Telegraph Act, 1933 and, in particular, nothing in this Ordinance shall affect any jurisdiction, powers and functions required to be exercised or performed by the Telegraph Authority in relation to any area falling within the jurisdiction of such Authority.

13 of 1885.  
17 of 1933.

38. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Ordinance as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Ordinance.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

39. *Repeal and saving.*— (1) The Telecom Regulatory Authority of India Ordinance, 1996 Ord. is hereby repealed. 10 of 1996.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Ordinance.

SHANKER DAYAL SHARMA,  
PRESIDENT.

K. L. MOHANPURIA,  
Secy. to the Govt. of India.

#### Notification

10/5/96/LA. Vol. II

The following Notification of the Government of India, Ministry of Law and Justice (Department of Legal Affairs), New Delhi, is hereby published for the general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 9th September, 1997.

#### MINISTRY OF LAW AND JUSTICE (Department of Legal Affairs)

#### Notification

New Delhi, the 8th July, 1997

G. S. R. 870 (E).— In exercise of the powers conferred by section 15 of the Notaries Act, 1952 (53 of 1952), the Central Government hereby makes the following rules further to amend the Notaries Rules, 1956, namely:—

1. — (1) These rules may be called the Notaries (Amendment) Rules, 1997.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the Notaries Rules, 1956 (hereinafter referred to as the said rules), for rule 3, the following rule shall be substituted, namely:—

“3. Qualifications for appointment as a notary. No person shall be eligible for appointment as a notary unless on the date of the application for such appointment,—

(a) he had been practising at least for ten years as a legal practitioner; or

(b) he had been a member of the Indian Legal Service under the Central Government; or

(c) he had been at least for ten years,—

(i) a member of Judicial Service; or

(ii) held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an advocate; or

(iii) held an office in the department of Judge Advocate General or in the legal department of the armed forces.”

3. In rule 4 of the said rules, for sub-rules (2) and (3), the following sub-rules shall be substituted, namely:—

“(2) The memorial shall be drawn, by a person referred to in clause (a) of rule 3 in accordance with Form I and by a person referred to in clauses (b) and (c) of the said rule in accordance with Form II.

(3) The memorial of a person referred to in clause (a) of rule 3 shall be signed by the applicant and shall be countersigned by the following persons:—

(a) a Magistrate;

(b) a Manager of a nationalised bank;

(c) a merchant; and

(d) two prominent inhabitants of the local area within which the applicant intends to practise as a notary.”

4. In rule 6 of the said rules, in sub-rule (2), clause (a) shall be omitted.

5. For rule 9 of the said rules, the following rule shall be substituted, namely,—

“9. *Fees for issue and renewal of certificate of practice and extension of area. The fees for issue and renewal of certificate of practice and extension of area shall be as under.*—

(a) issue of certificate of practice	— Rs. 1000;
(b) extension of area of practice	— Rs. 750;
(c) renewal of certificate of practice	— Rs. 500;
(d) issue of a duplicate certificate of practice	— Rs. 300.”

6. For rule 10 of the said rules, the following rule shall be substituted, namely:—

“10. *Fees payable to notary for doing any notarial Act.*— (1) Every notary may charge fees not exceeding the rates mentioned below, namely:—

(a) for noting an instrument:

if the amount of the instrument does not exceed rupees 10,000 — Rs. 25

if it exceeds rupees 10,000 but does not exceed rupees 25,000 — Rs. 50

if it exceeds rupees 25,000 but does not exceed rupees 50,000 — Rs. 75

if it exceeds rupees 50,000 — Rs. 100

## (b) for protesting an instrument:

if the amount of the instrument does not exceed rupees 10,000	— Rs. 25
if it exceeds rupees 10,000 but does not exceed rupees 25,000	— Rs. 50
if it exceeds rupees 25,000 but does not exceed rupees 50,000	— Rs. 75
if it exceeds rupees 50,000 but does not exceed rupees 1,00,000	— Rs. 75
if it exceeds rupees 1,00,000	— Rs. 100
(c) for recording a declaration of payment for honour	— Rs. 50
(d) duplicate protests	— half the charge of original
(e) for verifying, authenticating, certifying or Attesting the execution of any instrument.	— Rs. 10
(f) for presenting any promissory note, hundi or bill of exchange for acceptance or payment or demanding better security.—	Rs. 25
(g) for administering oath to, or taking affidavit from any person	— Rs. 10
(h) for preparing any instrument intended to take effect in any country or place outside India in such form, and language as may conform to the law of the place where such deed is intended to operate.	— Rs. 100
(i) for attesting or authenticating any instrument to take effect in any country or place outside India in such form and language as may conform to the law of the place where such deed is intended to operate.	— Rs. 100
(j) for translating and verifying the translation of any document from one language to another.	— Rs. 50
(k) for noting and drawing up ship's protest, protest or relating to demurrage and other commercial matters.	— Rs. 100
(l) for certifying copies of document as true per page Copies of the original.—	Rs. 5
(m) for any other notariate Act	such sum as the appropriate Government may fix from time to time.

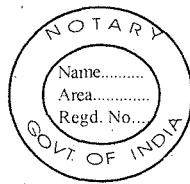
(2) The rates of fees to be charged by a notary shall be displayed by him in conspicuous place inside as well as outside his chamber or office.

(3) In addition to the above fees, a notary may charge the travelling allowance by road or by rail at the rate of rupees five per kilometer.”

7. For rule 12 of the said rules, the following rule shall be substituted, namely:—

“12. *Seal of notary.*— Every notary shall use a plain circular seal of a diameter of 5 cm. as indicated by a drawing

given below, bearing his name, the name of the areas within which he has been appointed to exercise his functions, the registration number and the circumscription ‘NOTARY’, and the name of the Government which appointed him.”



8. In rule 13 of the said rules, for sub-rule (7), the following sub-rule shall be substituted, namely:—

“(7) Every notice issued to a notary under this rule shall be sent to him by registered post. If any such notice is returned unserved with an endorsement indicating that the addressee has refused to accept the notice or the notice is not returned unserved within a period of thirty days from the date of its despatch, the notice shall be deemed to have been duly served upon the notary.”.

9. In the said rules, for Form I, the following Forms shall be substituted, namely:—

## “FORM I

[See rule 4 (2)]

## Memorial

Photograph

1. Name of the applicant .....

2. Father's name .....

3. Date of birth .....

4. Address (Residence) .....

Pin .....  
Telephone ..... Fax .....

Address (Office) .....

5. Educational qualifications (Please attach photocopies).....

6. Date of enrolment (Please attach photocopies).....

7. Practising in  
Civil side: .....  
Criminal side: .....  
Taxation: .....  
Revenue Courts: .....

8. Whether Income-tax Assessee:

The memorial of (name of the applicant) sheweth .....  
(in block letters) .....

1. That the memorialist is a person eligible for appointment as a notary under the Notaries Act, 1952, and clause (a) of rule 3 of the Notaries Rules, 1956;

2. That the memorialist has resides in .....  
(here state the name of the local area or name of court where he intends to practise) and will reside for upwards of .....  
(state how long);

3. That the number of notaries practising in the local area is insufficient for the requirements thereof (the grounds of the statement should be added);

4. That no previous application of the memorialist has been rejected or withdrawn by him, within the preceding six months;

The memorialist, therefore, prays that the Government be pleased to appoint and admit him as a notary under and by virtue of the Notaries Act, 1952 (63 of 1952) and clause (a) of rule 3 of the Notaries Rules, 1956 to practise in ..... (here state the name of the local area).

Dated ..... of ..... 19

Signature of the applicant

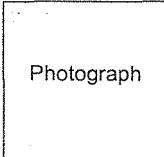
Name and address of signatories      Profession      Name and address of the firms/organisation      Signature

*Note:* Under rule 4 (3) the memorial should be countersigned by a magistrate, a manager of a nationalised bank, a merchant and two prominent inhabitants of the area where he intends to practice as a notary.

### FORM II

[See rule 4 (2)]

1. Name .....  
 2. Father's name .....  
 3. Date of birth .....  
 4. Residence Address .....  
 .....  
 (Office) .....



Photograph

5. Educational Qualification .....  
 6. Date of joining Government Service .....  
 7. Date of retirement .....  
 8. Post held at the time of retirement .....

Signature

*NOTE:* Necessary proof about eligibility under rule 3 (b) and (c) of the Notaries Rules, 1956 is to be attached. Rule 3 (b) and (c) are as follows:-

3. Qualifications for appointment as a notary.— No person shall be eligible for appointment as a notary unless on the date of the application for such appointment,—

- (a) .....
- (b) he had been a member of the Indian Legal Service under the Central Government; or
- (c) he had been at least for ten years;
  - (i) a member of Judicial Service; or
  - (ii) held an office under the Central Government or a State Government requiring special knowledge of law after enrolment as an advocate;
  - (iii) held an office in the department of Judge Advocate General or in the legal department of the armed forces.”.

10. In the said rules, for Form II-B the following Form shall be substituted, namely:-

### FORM II-B

[See rule 8 (5)]

GOVERNMENT OF .....

(Emblem)

### CERTIFICATE OF PRACTICE

Certified that ..... Son/daughter/wife.....  
 ..... of .....  
 resident of ..... has  
 been appointed as a notary under the Notaries Act 1952 (53 of 1952)  
 and is authorised to practise as such in and throughout

..... for a period of five years  
 .....

Give under my hand and seal of the Government of ..... this ..... day of .....

Secretary to the Government of India/  
 Government of .....

(Name of the State)  
 [5(15) 94-Judl.]

AJOY SINHA  
 Jt. Secy. and Legal Adviser

### Department of Transport

Directorate of Transport  
 Secretariat Cell

### Notification

D. Tpt/STA/922/1997

Read:- State Transport Authority's Notification  
 No. D. Tpt/STA/922/1996 dated 26-7-1996.

Whereas the State Transport Authority vide Notification dated 26-7-1996 fixed the fares for taxis, autorickshaws and motorcycles as per the rates mentioned therein.

Whereas the price of petrol has been revised with effect from 2-9-1997.

Now, therefore, in exercise of the powers delegated to it by the Government vide Notification dated 22-12-1986 and 5-12-90, the State Transport Authority, Goa, in its meetings held on 17-9-1997 and 26-9-1997 decided to revise the fares of autorickshaws and motorcycle taxis in Goa as follows:

### Autorickshaw

- i) For the first km. — Rs. 8.00
- ii) For the subsequent km. — Rs. 4.00
- iii) Detention charges — Rs. 6.00 per hour or Re. 1.00 for every 10 minutes of waiting.
- iv) Luggage charges — Re. 1.00 per package.

For one way journeys outside the Municipal limits 50% of the normal fare is payable extra. For night journey from 11.00 p.m. to 5.00 a.m. 25% of the normal fare is payable extra.

### Motor Cycle Taxis

- i) For the first km. — Rs. 5.00
- ii) For the subsequent km. — Rs. 2.50

The above rates shall come into force with effect from 01-10-1997.

K. N. S. Nair, Member Secretary (S.T.A.).

Panaji, 29th September, 1997.

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